

REMARKS

At the time of the Third Office Action dated March 8, 2011, claims 4-17 were pending and rejected in this application.

EXAMINER IMPROPERLY REOPENED PROSECUTION UNDER 37 C.F.R. § 1.198

Under 37 C.F.R. § 1.198, "prosecution of the proceeding before the primary examiner will not be reopened or reconsidered by the primary examiner except under the provisions of § 1.114 or § 41.50 of this title without the written authority of the Director, and then only for the consideration of matters not already adjudicated, sufficient cause being shown." Therefore, in order for the Examiner to reopen prosecution, (i) a RCE must have been filed; (ii) the Board must have introduced new grounds of rejection; or (iii) the Director must have provided written authority after sufficient cause has been shown. Neither of the first two options apply, and the Office Action does not reflect that the Examiner has obtained written permission, by the Director, after good causes has been shown. Therefore, in issuing the present Office Action, the Examiner has violated 37 C.F.R. § 1.198.

CLAIMS 4-7 AND 17 ARE REJECTED UNDER 35 U.S.C. § 101

On page 2 of the First Office Action, the Examiner asserted that the claimed invention, as recited in claims 4-7 and 17, fails to meet the requirements of 35 U.S.C. § 101. This rejection is respectfully traversed.

1 A "system" is normally considered to be apparatus. See In re Walter, 618 F.2d 758, 762
2 n.2 (CCPA 1980). Thus, the system of claim 4 is directed to statutory subject matter. Moreover,
3 claim 4 recites "access checking logic ... programmed." Referring to the non-precedential
4 decision by the BPAI within Ex parte Gilgen (Appeal No. 2009-002901), the following was
5 stated:

6 The term "pool manager" by itself could refer to a software program. The limitation of a
7 "pool manager programmed" on one hand indicates that a structure is programmed
8 because we agree with Appellants that software is not usually referred to as being
9 programmed. On the other hand, there is no structure on a computer that corresponds to a
10 pool manager--a pool manager is a software program. Nevertheless, because of the way
11 the limitation is written as "a pool manager programmed," we interpret the limitation to
12 be a programmed structure.
13

14 Since a machine is programmed, whereas software is the program, the claimed "access checking
15 logic" is not software *per se*.
16

17 Therefore, for the reasons presented above, the rejection of claims 4-7 and 17 under 35
18 U.S.C. § 101 is not proper and should be withdrawn.
19

20 **CLAIMS 4 AND 17 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED**
21 **UPON SCHAECK ET AL., U.S. PATENT PUBLICATION NO. 2003/0163513 (HEREINAFTER SCHAECK),**
22 **IN VIEW OF SOLUK ET AL., U.S. PATENT PUBLICATION NO. 2003/0163513 (HEREINAFTER SOLUK)**

23 On pages 2-5 of the Third Office Action, the Examiner concluded that one having ordinary
24 skill in the art would have considered the claimed invention to be obvious in view of Schaeck and
25 Soluk. This rejection is respectfully traversed.
26

1 Independent claim 4 recites, in part, the limitations of "an application framework
2 configured through a deployment descriptor comprising a listing of a set of views, a listing of
3 associated program logic." With regard to these limitations, the Examiner asserted the following
4 in the last full paragraph on page 3 of the Third Office Action:

5 an application framework configured through a deployment descriptor comprising a
6 listing of a set of views (multiple role-specific views will be based on the services and/or
7 information which are relevant to a particular role, see, e.g., paragraph [0043]) and a
8 listing of associated program logic (the fine-grained services may include **any form of**
9 **programming logic**, including script programs, Java.TM. classes, COM classes, EJBs
10 ("Enterprise JavaBeans".TM.), stored procedures, IMS or other database transactions,
11 legacy applications, and so forth, see, e.g., paragraph [0052]). (emphasis in original)
12

13 Although paragraph [0043] refers to "role-specific views for aggregated services," the
14 Examiner's analysis and cited passages are silent as to a set of these views being listed within an
15 application framework configured through a deployment descriptor, as claimed.
16

17 Moreover, although paragraph [0052] teaches "fine-grained services may include any
18 form of programming logic, including script programs," the Examiner's cited passage is silent as
19 to this programmed logic being listed within an application framework configured through a
20 deployment descriptor, as claimed. Therefore, the Examiner has mischaracterized the scope and
21 content of Schaeck.
22

23 Independent claim 4 further recites the limitations of "a first view listed in said
24 deployment descriptor and comprising a linkage to a second view listed in said deployment
25 descriptor." With regard to these limitations, the Examiner asserted the following in the
26 paragraph spanning pages 3 and 4 of the Third Office Action:

27 a first view (interpreted as role-specific portal page) listed in said deployment

1 descriptor and comprising a linkage to a second view (interpreted as composite service
2 provided through the portal page) listed in said deployment descriptor (a portal page
3 which provides an entry point into the composite service is then presented to the user,
4 see, e.g., paragraph [0084]).
5

6 Applicant respectfully disagrees with the Examiner's analysis.
7

8 None of the passages cited by the Examiner refer to a deployment descriptor, as claimed.
9 Moreover, the fact that multiple pages are aggregated into a composite service does not establish
10 that a first view comprises a linkage to a second view. Thus, the Examiner has again
11 mischaracterized the scope and content of Schaeck.
12

13 Independent claim 4 further recites the limitations of "access checking logic disposed in
14 said first view and programmed to omit said linkage where a role of an end user accessing said
15 first view is not authorized to access said second view according to said listing of said set of
16 authorized roles in said deployment descriptor." With regard to these limitations, the Examiner
17 asserted the following in the first full paragraph on page 4 of the Third Office Action:

18 access checking logic disposed in said first view and programmed to omit said
19 linkage where a role of an end user accessing said first view is not authorized to access
20 said second view according to said listing of said set of authorized roles in said
21 deployment descriptor (providing a view of the aggregated service which properly
22 **reflects the user's role** across the set of sub-services, see, e.g., paragraph [0069]).
23 Therefore the end user only get access to a set of sub-services (equivalent to applicant's
24 second view) based on the user's role.
25

26 Again, the Examiner's cited passage fails to teach the claimed "deployment descriptor"
27 and limitations associated therewith. In fact, the Examiner's cited passage fails to teach any of
28 the limitations at issue. Instead, paragraph [0069] stands for the simple teaching that many sub-
29 services are aggregated together to create a composite service and that these sub-services reflect

1 a user's role across the sub-services. Entirely absent from these teachings is any mention of the
2 claimed "access checking logic," where the access checking logic is disposed, what the access
3 checking logic is programmed to perform, and omitting the linkage. Therefore, yet again, the
4 Examiner has mischaracterized the scope and content of Schaeck.

5
6 For the above-described reasons, the Examiner has failed to establish that the claimed
7 invention, as recited in claims 4 and 17, would have been obvious within the meaning of 35 U.S.C.
8 § 103. Applicant, therefore, respectfully solicits withdrawal of the imposed rejection of claims 4
9 and 17 under 35 U.S.C. § 103 for obviousness based upon Schaeck and Soluk.

10
11 **CLAIM 5 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON SCHAECK**
12 **IN VIEW OF SOLUK AND SCHENK, U.S. PATENT PUBLICATION NO. 2006/004887**

13 Third Office Action, the Examiner concluded that one having ordinary skill in the art would have
14 considered the claimed invention to be obvious in view of Schaeck, Soluk, and Schenk. This
15 rejection is respectfully traversed.

16
17 Claim 5 depends from independent claim 4, and Applicant incorporates herein the
18 arguments previously advanced in traversing the imposed rejection of claim 5 under 35 U.S.C. §
19 103 for obviousness based upon Schaeck and Soluk. The tertiary reference to Schenk does not cure
20 the argued deficiencies of the combination of Schaeck and Soluk. Accordingly, even if one having
21 ordinary skill in the art did modify Schaeck in view of Soluk and Schenk, the proposed combination
22 of references would not yield the claimed invention. Applicant, therefore, respectfully submits

1 that the imposed rejection of claim 5 under 35 U.S.C. § 103 for obviousness based upon Schaeck
2 in view of Soluk and Schenk is not viable, and hence, Applicant solicits withdrawal thereof.

3
4 **CLAIMS 6 AND 7 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON**
5 **SCHAECK IN VIEW OF SOLUK AND DUBOIS ET AL., U.S. PATENT PUBLICATION No. 2002/0154646**
6 **(HEREINAFTER DUBOIS)**

7 On pages 6 and 7 of the Third Office Action, the Examiner concluded that one having
8 ordinary skill in the art would have considered the claimed invention to be obvious in view of
9 Schaeck, Soluk, and Dubois. This rejection is respectfully traversed.

10
11 Claims 6 and 7 depend from independent claim 4, and Applicant incorporates herein the
12 arguments previously advanced in traversing the imposed rejection of claim 5 under 35 U.S.C. §
13 103 for obviousness based upon Schaeck and Soluk. The tertiary reference to Dubois does not cure
14 the argued deficiencies of the combination of Schaeck and Soluk. Accordingly, even if one having
15 ordinary skill in the art did modify Schaeck in view of Soluk and Dubois, the proposed combination
16 of references would not yield the claimed invention. Applicant, therefore, respectfully submits
17 that the imposed rejection of claims 6 and 17 under 35 U.S.C. § 103 for obviousness based upon
18 Schaeck in view of Soluk and Dubois is not viable, and hence, Applicant solicits withdrawal
19 thereof.

CLAIMS 8-16 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON
BAZINET ET AL., U.S. PATENT PUBLICATION NO. 2003/0167298 (HEREINAFTER BAZINET), IN
VIEW OF VASANDANI ET AL., U.S. PATENT NO. 6,985,946 (HEREINAFTER VASANDANI)

On pages 7-11 of the Third Office Action, the Examiner concluded that one having ordinary skill in the art would have considered the claimed invention to be obvious in view of Bazinet and Vasandani. This rejection is respectfully traversed.

Applicant refers the Examiner to the last full paragraph on page 9 of the Decision on Appeal dated December 21, 2010. In this paragraph, the Board contrasts claim 4, the rejection of which was reversed, and claims 8 and 12, the rejection of which were affirmed. Specifically, the Board noted certain limitations found in claim 4 that were not found in claims 8 and 12. By the present Amendment, Applicant has addressed these differences by including the limitations, found in claim 4, into claims 8 and 12 that the Board concluded were not rendered obvious by the combination of Bazinet and Vasandani. Therefore, for the reasons discussed by the Board in the Decision on Appeal, Applicant, therefore, respectfully submits that the imposed rejection of claims 8-10 and 12-15 under 35 U.S.C. § 103 for obviousness based upon Bazinet in view of Vasandani is not viable, and hence, Applicant solicits withdrawal thereof.

Although Applicant believes that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

Additionally, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicant hereby respectfully requests reconsideration and prompt allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 090461, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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